

## **IC 5-30-5**

### **Chapter 5. Request for Qualifications**

#### **IC 5-30-5-1**

##### **Publication of notice**

Sec. 1. (a) Except as provided in subsection (c), when design-build contracting is used for a public project, a public agency shall publish a notice of a request for qualifications under IC 5-3-1. The notice must allow at least fourteen (14) days for potential design-builders to respond to the request for qualifications.

(b) Subsection (c) applies to a public project for which a public agency uses design-build contracting if:

- (1) the public agency is a state educational institution; or
- (2) the public agency is not a state educational institution and the preliminary estimated cost of the public project does not exceed five million dollars (\$5,000,000).

(c) A public agency that undertakes a public project to which this subsection applies may publish a notice of a combined request for qualifications and proposals under IC 5-3-1 that includes:

- (1) the information otherwise required by this chapter; and
- (2) a request for proposals as otherwise provided under IC 5-30-6.

The notice must allow at least thirty (30) days for potential design-builders to respond to the combined request for qualifications and proposals.

*As added by P.L. 74-2005, SEC.1. Amended by P.L. 166-2011, SEC.7.*

#### **IC 5-30-5-2**

##### **Notice contents**

Sec. 2. A notice provided under section 1 of this chapter must provide the following information:

- (1) An overview of the project and selection process including the following:
  - (A) A description of the project, including the:
    - (i) size and function of the facility that is the subject of the project;
    - (ii) approximate budget; and
    - (iii) anticipated schedule.
  - (B) A description of the selection process, including:
    - (i) the process for communications between the public agency and potential design-builders;
    - (ii) the schedule for the selection process;
    - (iii) the technical review committee procedure; and
    - (iv) a description of submission requirements.
- (2) The general qualifications for prospective offerors, including:
  - (A) appropriate experience with similar projects;
  - (B) team experience with design-build;
  - (C) organizational resources and depth;
  - (D) licensing requirements;

- (E) financial strength and bonding capacity;
  - (F) an offeror's history of contracting with or hiring minority business enterprises and women's business enterprises;
  - (G) litigation and disputes history; and
  - (H) experience in dealing with bonding authorities.
- (3) The project specification qualifications for prospective offerors, including:
- (A) team experience with the facility or building type that is the subject of the project;
  - (B) team performance record, including quality, schedule, and cost of each project;
  - (C) proposed team composition, including the team's past experience in working together;
  - (D) current capacity to manage the project;
  - (E) proposed key project personnel; and
  - (F) client references.
- (4) A description of the qualifications statement evaluation process, which must include:
- (A) an established rating system that complies with sections 4 and 5 of this chapter; and
  - (B) a briefing session or a formal question and answer process conducted with a potential offeror before submission of a proposal in response to a request for proposals.

*As added by P.L. 74-2005, SEC.1.*

### **IC 5-30-5-3**

#### **Verified statement of qualifications**

Sec. 3. (a) A potential design-builder responding to the request for qualifications under section 2 of this chapter must submit a verified statement of qualifications setting forth the qualifications of the potential design-builder and team members, if applicable, and provide the other information required by the request for qualifications.

(b) The verified statement of qualifications required under this section must include the following:

- (1) A listing of all prime contractors and architectural and engineering firms that participate financially as part of the team.
- (2) A statement that:
  - (A) the design-builder or the team members have completed or demonstrated the experience, competency, capability, and capacity to complete projects of similar size, scope, or complexity; and
  - (B) proposed key personnel have sufficient experience and training to competently manage and complete the design and construction of the project.
- (3) A statement that the design-builder or team members have the licenses, registrations, and credentials required to design and construct the project, including information on the revocation or suspension of a license, credential, or registration.
- (4) A statement that the design-builder has the capacity to

obtain all required payment and performance bonding, liability insurance, and errors and omissions insurance.

(5) The experience modifier rate, the United States Occupational Safety and Health Administration total recordable case incident rate (TCIR) and days away, restricted or transferred case incident rate (DART) for the design-builder and each design build team, and the average United States Occupational Safety and Health Administration TCIR and DART rates for the industrial classification of the design-builder and each design-build team.

(6) A statement that the design-builder or the employees of the team performing construction services, including the employees of all subcontractors, have completed or are enrolled in an apprenticeship program certified by the United States Department of Labor Bureau of Apprenticeship and Training.

(7) Information regarding any prior serious, repeat, willful, or criminal violation of the federal Occupational Safety and Health Act of 1970 and any equivalent violation under a state plan authorized under Section 18 of the federal act that has become a final order.

(8) Information concerning the debarment, disqualification, or removal of the design-builder or a team member from a federal, state, or local government public works project.

(9) Information concerning the bankruptcy or receivership of the design-builder or a team member.

*As added by P.L.74-2005, SEC.1.*

#### **IC 5-30-5-4**

##### **Rating system**

Sec. 4. The technical review committee shall rate the potential design-builders responding to the request for qualifications based on the rating system described under section 2(4) of this chapter. The rating system shall include consideration of any of the following:

- (1) The design-builder's experience.
- (2) The design-builder's financial and bonding capacity.
- (3) The design-builder's managerial resources and management plan.
- (4) The design-builder's safety record.
- (5) The design-builder's past performance and capacity to perform.
- (6) The design-builder's ability to complete the work in a timely and satisfactory manner.
- (7) Other selection criteria set forth or verified in the request for qualifications.

*As added by P.L.74-2005, SEC.1.*

#### **IC 5-30-5-5**

##### **Cost related or price related evaluation factors prohibited**

Sec. 5. The technical review committee may not consider cost related or price related evaluation factors when rating the potential

design-builders.

*As added by P.L.74-2005, SEC.1.*

#### **IC 5-30-5-6**

##### **Selection of potential design-builders**

Sec. 6. (a) The technical review committee shall select at least three (3) potential design-builders considered to be the most highly qualified to perform the required services based on the rankings of the potential design-builders. The technical review committee shall report the selection of qualified design-builders to the public agency.

(b) Notwithstanding subsection (a), if only two (2) potential design-builders respond to the request for qualifications, the technical review committee may report the two (2) potential design-builders to the public agency if the technical review committee finds that both potential design-builders are qualified to perform the required services.

(c) If:

(1) only one (1) potential design-builder responds to the request for qualifications; or

(2) only one (1) of the potential design-builders responding to the request for qualifications is qualified to perform the required services;

the public agency may not use the design-build contracting method authorized under this chapter, unless the governing body of the public agency adopts a resolution expressly authorizing the public agency to send the one (1) potential designer-builder referred to in subdivision (1) or (2) a request for proposal under IC 5-30-6. The governing body must adopt the resolution at a public meeting for which public notice has been provided.

*As added by P.L.74-2005, SEC.1.*